

tity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Librarian of Congress shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).

(b) With respect to proceedings under subparagraph (B) or (C) of section 801(b)(2), following an event described in either of those subsections, any owner or user of a copyrighted work whose royalty rates are specified by section 111, or by a rate established by the Copyright Royalty Tribunal or the Librarian of Congress, may, within twelve months, file a petition with the Librarian declaring that the petitioner requests an adjustment of the rate. In this event the Librarian shall proceed as in subsection subsection¹ (a) of this section. Any change in royalty rates made by the Copyright Royalty Tribunal or the Librarian of Congress pursuant to this subsection may be reconsidered in 1980, 1985, and each fifth calendar year thereafter, in accordance with the provisions in section 801(b)(2)(B) or (C), as the case may be.

(c) With respect to proceedings under section 801(b)(1), concerning the determination of reasonable terms and rates of royalty payments as provided in section 118, the Librarian of Congress shall proceed when and as provided by that section.

(d) With respect to proceedings under section 801(b)(3) or (4), concerning the distribution of royalty fees in certain circumstances under section 111, 116, 119, or 1007, the Librarian of Congress shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the Federal Register notice of commencement of proceedings under this chapter.

(Pub. L. 94-553, title I, § 101, Oct. 19, 1976, 90 Stat. 2597, § 804; Pub. L. 100-568, § 11(2), Oct. 31, 1988, 102 Stat. 2860; Pub. L. 100-667, title II, § 202(5), Nov. 16, 1988, 102 Stat. 3958; Pub. L. 101-318, § 3(c), July 3, 1990, 104 Stat. 288; Pub. L. 102-563, § 3(a)(2), Oct. 28, 1992, 106 Stat. 4248; renumbered § 803 and amended Pub. L. 103-198, § 2(d), Dec. 17, 1993, 107 Stat. 2307.)

REFERENCES IN TEXT

The date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 103-198, which was approved Dec. 17, 1993.

¹ So in original.

PRIOR PROVISIONS

A prior section 803, Pub. L. 94-553, title I, § 101, Oct. 19, 1976, 90 Stat. 2596, related to procedures of the Copyright Royalty Tribunal, prior to repeal by Pub. L. 103-198, § 2(c), Dec. 17, 1993, 107 Stat. 2307.

AMENDMENTS

1993—Pub. L. 103-198, § 2(d)(1), renumbered section 804 of this title as this section.

Subsec. (a). Pub. L. 103-198, § 2(d)(2), amended subsec. (a) generally, substituting present provisions for provisions relating to commencement of proceedings concerning the adjustment of rates established by the Copyright Royalty Tribunal, filing of petitions by interested persons seeking adjustments of rates, and publication of notice of such proceedings in the Federal Register.

Subsec. (b). Pub. L. 103-198, § 2(d)(3), substituted “subparagraph (B)” for “subclause (B)”, “established by the Copyright Royalty Tribunal or the Librarian of Congress” for “established by the Tribunal”, “petition with the Librarian” for “petition with the Tribunal”, “Librarian shall proceed” for “Tribunal shall proceed”, “subsection (a) of this section” for “(a)(2), above”, and “rates made by the Copyright Royalty Tribunal or the Librarian of Congress” for “rates made by the Tribunal”.

Subsec. (c). Pub. L. 103-198, § 2(d)(4), substituted “Librarian of Congress” for “Tribunal”.

Subsec. (d). Pub. L. 103-198, § 2(d)(5), substituted “Librarian of Congress” for “Chairman of the Tribunal” and “a determination” for “determination by the Tribunal”.

Subsec. (e). Pub. L. 103-198, § 2(d)(6), struck out subsec. (e) which read as follows: “All proceedings under this chapter shall be initiated without delay following publication of the notice specified in this section, and the Tribunal shall render its final decision in any such proceeding within one year from the date of such publication.”

1992—Subsec. (d). Pub. L. 102-563 inserted “or (4)” after “803(b)(3)” and substituted “119, or 1007” for “or 119”.

1990—Subsec. (a)(2)(C)(i). Pub. L. 101-318 substituted “section 116” for “section 115”.

1988—Subsec. (a)(2)(C). Pub. L. 100-568 amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “In proceedings under section 801(b)(1) concerning the adjustment of royalty rates under section 116, such petition may be filed in 1990 and in each subsequent tenth calendar year.”

Subsec. (d). Pub. L. 100-667 substituted “section 111, 116, or 119” for “sections 111 or 116”.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 3(e)(2) of Pub. L. 101-318 provided that: “The amendment made by subsection (c) [amending this section] shall be effective as of October 31, 1988.”

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-667 effective Jan. 1, 1989, see section 206 of Pub. L. 100-667, set out as an Effective Date note under section 119 of this title.

Amendment by Pub. L. 100-568 effective Mar. 1, 1989, with any cause of action arising under this title before such date being governed by provisions in effect when cause of action arose, see section 13 of Pub. L. 100-568, set out as a note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 802 of this title.

[§ 804. Renumbered § 803]

[§§ 805 to 810. Repealed. Pub. L. 103-198, § 2(e), Dec. 17, 1993, 107 Stat. 2308]

Section 805, Pub. L. 94-553, title I, § 101, Oct. 19, 1976, 90 Stat. 2598, related to staff of Copyright Royalty Tribunal.